

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMERICAN MEDICAL SYSTEMS, INC. and
LASERSCOPE,

Plaintiffs,

v.

BIOLITEC, INC.,

Defendant.

Civil Action No. 3:07-CV-30109-MAP

AMERICAN MEDICAL SYSTEMS, INC. and
LASERSCOPE,

Plaintiffs,

v.

BIOLITEC, INC., BIOLITEC AG,
CERAMOPTEC INDUSTRIES, INC.,
CERAMOPTEC GmbH, ANDAOPTEC, LTD.,
and BIOLITEC SIA,

Defendants.

Civil Action No. 3:08-CV-30061-MAP

**STIPULATION AND [PROPOSED] ORDER EXTENDING STAY
OF LITIGATION TO FACILITATE SETTLEMENT NEGOTIATIONS**

Plaintiffs American Medical Systems, Inc. and Laserscope (collectively "AMS")
and Defendants biolitec, Inc., *et al.* (collectively "biolitec") jointly submit this
stipulation:

WHEREAS, on July 1, 2011, the Court Ordered that the above-captioned actions
be stayed until August 19, 2011 to facilitate settlement discussions (D.I. #122 in Civil
Action No. 3:07-CV-30109-MAP; D.I. #259 in Civil Action No. 3:08-CV-30061-MAP);

Approved. See order. Extension to 11/10/11.
Michael B. Pomeroy
10.11.11

WHEREAS, on September 6, 2011, the Court extended the stay through September 19, 2011 (at the request of the parties) to further facilitate settlement discussions;

WHEREAS, the parties have reached agreement on several material issues, and exchanged a draft settlement agreement but have not yet finalized all of the terms of such agreement;

WHEREAS, the parties jointly wish to continue to pursue good faith settlement negotiations without incurring the substantial costs that would be incurred by further proceeding with fact discovery and additional motion practice;

WHEREAS, the parties have agreed to extend the stay imposed by this Court's July 1st and September 6th Orders until November 10, 2011 (one month from the date of filing this Stipulation and [Proposed] Order), and adjust the remainder of the case schedule accordingly; and

IT IS HEREBY STIPULATED, by and between the parties, and through their respective attorneys of record, subject to the approval of the Court that:

- (1) This litigation is stayed, including all discovery, until November 10, 2011, to allow the parties to continue to explore settlement without incurring the substantial litigation expenses that would otherwise be incurred absent a stay;
- (2) In the event that this matter does not settle, at the expiration of the stay, this litigation shall resume on November 11, 2011, and the parties shall confer upon and submit a stipulated proposed schedule consistent with this Court's July 1, 2011 and September 6, 2011 Orders;

- (3) The other provisions of this Court's July 1st and September 6th Orders in the above-captioned actions are not affected by this Stipulation and [Proposed] Order.

In view of the foregoing, the parties respectfully request that the Court endorse this Stipulation and [Proposed] Order.

Respectfully submitted,

Dated: October 10, 2011

Dated: October 10, 2011

/s/ Leland G. Hansen

/s/ Erik P. Belt

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Attorneys for Defendants

IT IS SO ORDERED,

Dated: Oct. 11, 2011


Honorable Michael A. Ponsor
United States District Judge

CERTIFICATE OF SERVICE

I certify that, on October 10, 2011, a true copy of this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic filing (NEF) and paper copies will be sent to those indicated as non-registered participants

/s/ Erik P. Belt

Erik Paul Belt